

COUNTY OF NEVADA  
STATE OF CALIFORNIA  
BOARD OF SUPERVISORS



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Julie Patterson Hunter,  
Clerk of the Board

NEVADA COUNTY BOARD OF SUPERVISORS  
Board Agenda Memo

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**MEETING DATE:** December 12, 2017  
**TO:** Board of Supervisors  
**FROM:** Julie Patterson Hunter  
**SUBJECT:** Resolution making findings and accepting the appeal filed by Simon CRE Harley V, LLC from the decision of the Planning Commission to deny a Development Permit (DP15-001) proposing a Dollar General Store; and scheduling a public hearing for February 27, 2018, at 1:30 pm. (Dist. III)

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**RECOMMENDATION:** Adopt Resolution making findings as recommended by staff, accepting the appeal and setting the hearing on the appeal for February 27, 2018, at 1:30pm.

**FUNDING:** Filing fee collected from Appellant for costs.

**BACKGROUND:**

On October 26, 2017, the Planning Commission held a public hearing to consider a Development Permit application proposing a 9,100 square foot Dollar General Store and associated improvements including but not limited to grading, parking, lighting, landscaping and signage located at 12345 Rough and Ready Highway, Grass Valley CA 95945 (APN 52-122-03). Upon consideration, the Planning Commission denied Development Permit (DP15-001).

Subsequently, an appeal was filed with the Clerk of the Board on November 3, 2017, by Simon CRE Harley V, LLC regarding the Planning Commission's decision with the request that the Board of Supervisors reverse the Planning Commission's decision and approve the Development Permit (DP15-001) for the proposed Dollar General Store.

Table L-II 5.2 of the Nevada County Land Use and Development Code (LUDC) summarizes which County body reviews, recommends, and takes final action on land use permits. Only where a body has final permitting authority are those decisions appealable to the Board of Supervisors. The Planning Commission is the permitting authority for the above approvals, and the Board of Supervisors is the appealing body for the Planning Commission.

Section L-II 5.12.G of the Nevada County Land Use and Development Code requires the Clerk to present the appeal to the Board of Supervisors at a regular meeting, so the Board can consider whether to accept this appeal and, if accepted, schedule it for a public hearing. County Counsel and the Clerk of the Board have reviewed the appeal and recommend that the Board find:

- The applicant is an interested party who has standing to file the appeal; and
- The appeal was timely filed; and
- The appeal satisfies the minimum requirements set forth in Section 5.12.F of the County's Land Use and Development Code.

Staff further recommends that the Board accept the appeal of the actions approved by the Planning Commission and set it for public hearing on February 27, 2018 at 1:30 p.m.

Respectfully submitted,

**Item Initiated by:** Jeffrey Thorsby, Senior Administrative Analyst

**Approved by:** Julie Patterson Hunter, Clerk of the Board